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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/662,033	09/12/2003	Roger C. Knutson	1693-0005	9419
40269	7590	05/31/2005	EXAMINER	
BOWMAN & ASSOCIATES 1016 3RD AVENUE SW, SUITE 205 CARMEL, IN 46032				FERNSTROM, KURT
ART UNIT		PAPER NUMBER		
3714				

DATE MAILED: 05/31/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.	10/662,033	Applicant(s)	KNUTSON, ROGER C.
Examiner	Kurt Fernstrom	Art Unit	3714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) Responsive to communication(s) filed on \_\_\_\_\_.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) Claim(s) 1-21 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-21 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 9/12/03.
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 21 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The term "accepted security measures" is vague and indefinite, as no objective standard for determining what would be "acceptable" has been set forth.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 7-10, 14 and 18-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Siefert (5,810,605) in view of Sonnenfeld. Siefert discloses in column 2, line 28 to column 9, line 25 of the specification a method of teaching comprising the steps of establishing a learning profile regarding the user, locating and obtaining learning material from existing content on a computer network regarding a

particular subject, and providing the identified material to the user according to the profile. While Siefert discloses in Figure 1 and in column 5, line 54 to column 6, line 30 that the method is performed over a network of computers comprising a plurality of repositories, which are storage devices each containing existing educational material, Siefert does not specifically disclose the use of the method over the Internet. Sonnenfeld discloses in column 8, line 46 to column 10, line 60 of the specification an interactive teaching method comprising providing educational materials storing the materials in a computer, and providing tests to the user based on the content. Sonnenfeld further discloses in several places, as for example in column 3, lines 25-27 and in column 9, line 66 to column 10, line 13 that the educational material can be gathered from the Internet. It would have been obvious to one of ordinary skill in the relevant art to modify the method disclosed in Siefert by gathering the content over the Internet as disclosed by Sonnenfeld for the purpose of allowing the user to remotely access a wide array of content, particularly in light of the fact that Sonnenfeld discloses in column 4, lines 63-67, that the network computers used in connection with the method can be connected by public data networks or commercially available telephone channels. With respect to claims 7-9 and 18-20, Siefert discloses in column 4, lines 33-41 that testing of the user on the content is periodically performed, and that the profile is modified in response thereto.

Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Siefert (5,810,605) in view of Sonnenfeld, and further in view of Gonzalez. Siefert as viewed in combination with Sonnenfeld discloses all of the limitations of the claims with the

exception of the use of a bot to search the Internet. This feature is well known in the art, as disclosed for example in column 3, lines 8-14 of Gonzalez. It would have been obvious to one of ordinary skill in the relevant art to modify the method disclosed in Siefert as viewed in combination with Sonnenfeld by providing a bot for the purpose of quickly searching the Internet for educational material delivered over a computer network.

Claims 3, 11 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Siefert (5,810,605) in view of Sonnenfeld, and further in view of Dornbush. Siefert as viewed in combination with Sonnenfeld discloses all of the limitations of the claims with the exception of the use of a relational database and an object model database. Both of these database types are well known in the art, as disclosed for example in column 5, lines 7-16 of Dornbush. It would have been obvious to one of ordinary skill in the relevant art to modify the method disclosed in Siefert as viewed in combination with Sonnenfeld by providing a relational database and an object model database for the purpose of storing data related to educational material delivered over a computer network.

Claims 4, 12, 13 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Siefert (5,810,605) in view of Sonnenfeld and Dornbush, and further in view of Theilmann. Siefert as viewed in combination with Sonnenfeld and Dornbush discloses all of the limitations of the claims with the exception of the use of metadata. This feature is well known in the art, as disclosed for example in column 3, line 66 to column 4, line 9 of Theilmann. It would have been obvious to one of ordinary skill in the

relevant art to modify the method disclosed in Siefert as viewed in combination with Sonnenfeld and Dornbush by providing metadata for the purpose of quickly correlating data related to educational material delivered over a computer network.

Claims 5, 6 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Siefert (5,810,605) in view of Sonnenfeld, and further in view of Theilmann. Siefert as viewed in combination with Sonnenfeld discloses all of the limitations of the claims with the exception of the use of metadata. This feature is well known in the art, as disclosed for example in column 3, line 66 to column 4, line 9 of Theilmann. It would have been obvious to one of ordinary skill in the relevant art to modify the method disclosed in Siefert as viewed in combination with Sonnenfeld by providing metadata for the purpose of quickly correlating data related to educational material delivered over a computer network.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Sanda, Ho and Helmick disclose the use of relational and object based databases to store educational material. Hopkins, Krebs, Chan, Buckley and Slattery disclose the use of metadata in an educational setting.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kurt Fernstrom whose telephone number is (571) 272-4422. The examiner can normally be reached on M-F 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jessica Harrison can be reached on (571) 272-4449. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



KF  
May 18, 2005

**KURT FERNSTROM**  
**PRIMARY EXAMINER**